

**2000 Annual Report of the District of Nebraska Branch
of the Historical Society of the
United States Courts in the Eighth Circuit**

The District of Nebraska Branch of the Historical Society of the United States Courts in the Eighth Circuit held its annual meeting during the Nebraska State Bar Association Meeting in Omaha on October 18, 2000. The following Branch officers were elected by voice vote to one-year terms:

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| President | Mary J. Hewitt |
| Vice President | Hon. Richard G. Kopf |
| Secretary | Catherine L. Stegman |
| Treasurer | Frank J. Mihulka |

The 2001 Annual Meeting of the Nebraska Branch will take place during the week of the Nebraska State Bar Meeting to be held in Lincoln October 17 through 19. The meeting will be held in the offices of Crosby Guenzel LLP, however, as the Nebraska State Bar, for the first time, has instituted a policy of charging ancillary groups a \$100 fee to hold their meetings in the convention hotel during annual meeting week. The meeting will be held during the Bar's annual meeting in the hopes that we will accommodate lawyers who would otherwise be in town.

The History Project

At the present time all of the research for the nineteenth century has been completed. Professor John Wunder, the Official Court Historian for the District of Nebraska, has outlined the service of Judge Elmer S. Dundy (1868-96), the fight over the nomination of William D. McHugh and its subsequent withdrawal (1896-97), and the judgeship of William H. Munger (1897-1915). Professor Wunder expects this section will sort out the evolution of the district court's appellate function which culminates in the establishment of the separate federal appellate court layer at the turn of the century. Professor Wunder expects to begin writing this section of the history after returning to Lincoln on June 21 after lecturing at Oxford University, and in Helsinki, Finland. Professor Wunder expects to write through July and August, until the fall semester begins. Professor Wunder then hopes to begin research on the twentieth century judges in the fall, and expects to complete the research by summer 2002 in order to move expeditiously to finishing the manuscript.

In order to facilitate Professor Wunder's writing, the Nebraska Branch attempted to transfer 10 boxes of papers pertaining to Judge Munger from the archive center in Kansas City to the courthouse in Lincoln. Though the custodians would not give up physical custody of the papers, they were willing to microfilm the documents for a fee of \$19,000 plus a large charge for preparing the documents for microfilming. As these costs were prohibitive, the branch declined to proceed with microfilming. Dr. Wunder will continue to travel to Kansas City as necessary to complete his research.

Plans to publicize the completion of the project are ongoing and it is expected that upon publication of the work, Dr. Wunder will begin a campaign to sell copies of the work by

appearing at signing parties in Lincoln and Omaha. The contract between Dr. Wunder and the Nebraska Branch provides that Dr. Wunder shall employ best efforts to secure publication of the work by a publisher such as the University Press. And, for a ten year period after first publication, all profits from the sale and distribution of the work shall be split between the Nebraska Branch and Dr. Wunder.

Resolution for Preservation of Historically Significant Materials

It was proposed during the 2000 meeting that in view of the fact that two Nebraska judges would be taking Senior Status in the near future, the Nebraska Branch needed some vehicle for preserving their papers. The attached Resolution was drafted by David Domina, an enthusiastic member of the Nebraska Branch, who practices law in Omaha. The Resolution was unanimously adopted by the executive council of the Nebraska Branch. Judge Kopf distributed the Resolution to the active judges during a district-wide judicial meeting in the late fall of 2000.

At the 2001 Annual Meeting, Nebraska Branch President Mary J. Hewitt intends to include an agenda item related to the identification of Branch members who may be interested in conducting interviews with judges who have taken Senior Status as described in paragraph 3 of the Resolution.

Conclusion

The 2000 Branch Annual Meeting was attended by 9 people, including one guest, despite membership in excess of 165. This core group of members attends the meeting every year, and continues to be enthusiastic about the history project. The goal in future years will be to find a reason to keep these members active upon completion of the project.